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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,771	04/27/2001	Fumito Takemoto	2091-0242P	2813

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EXAMINER

HANNETT, JAMES M

ART UNIT                      PAPER NUMBER

2622

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



Art Unit: 2622

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments, see amendment, filed 7/13/2006, with respect to the rejection(s) of claim(s) 1-4, 7-10 and 13-16 under 112 1st have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Spaulding et al. Due to the new grounds of rejection this action is made NON-FINAL.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**1:** Claims 1, 7 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN

5,805,213 Spaulding et al.

**2:** As for Claims 1, 7 and 13, Spaulding et al teaches on Column 9, Lines 5-11 and depicts in figure 7 an image processing method and apparatus for obtaining image data by carrying out tone conversion processing and color correction processing on image data obtained by a digital camera, the image processing method comprising the steps of generating a 3D-LUT for carrying out tone conversion processing and color correction processing simultaneously on the image data and obtaining the processed image data according to the 3D-LUT. Spaulding et al teaches on Column 9, Lines 5-11 that the color correction transformation can include aspects of tone-scale correction, as well as color-correction. And states that a 3D-LUT can have values that represent

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the combined (simultaneous) operations for converting from the sensor color values to the primary color values and applying a desired tone scale function.

**3:** Claims 2, 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,805,213 Spaulding et al in view of 5,489,996 Oku et al.

**4:** In regards to Claim 2, Spaulding et al teaches the use of an image processing apparatus that uses a look-up table to correct tone and color in digital images. However, Spaulding et al does not teach the step of generating the three-dimensional look-up table for a model of a digital camera.

Oku et al teaches on Column 1, lines 17-20 and on Column 2, lines 37-63 the use of an image processing apparatus that uses three-dimensional look-up tables to correct tone and color in digital images. Oku et al further teaches that it is advantageous to perform the color correction in consideration of the color reproduction characteristics of the image recording apparatus in order to record an image with good color reproduction.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to perform the color correction and tone correction process of Spaulding et al in consideration of the color reproduction characteristics of the image recording apparatus as taught by Oku et al in order to record an image with good color reproduction.

**5:** In regards to Claim 8, Claim 8 is rejected for reasons discussed related to Claim 2, since Claim 2 is substantively equivalent to Claim 8.

**6:** In regards to Claim 14, Claim 14 is rejected for reasons discussed related to Claim 2, since Claim 2 is substantively equivalent to Claim 14.

*Allowable Subject Matter*

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3: Claims 5, 6, 11, 12, 17 and 18 are allowed.

4: Claims 3, 4, 9, 10, 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not teach the step of comparing the total number of pixels in an image with the total number of lattice points in the 3D-LUT and performing the tone and color correction process according to the comparison. Furthermore, the prior art does not teach setting the number of lattice points in the 3D-LUT according to the number of bits of the image data.

#### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hannett whose telephone number is 571-272-7309. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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James M. Hannett

Examiner

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A handwritten signature in black ink, appearing to read 'J. M. Hannett', written over the printed name.

JMH

September 26, 2006